

## PATENT COOPERATION TREATY

**PCT**  
**NOTIFICATION OF TRANSMITTAL**  
**OF COPIES OF TRANSLATION**  
**OF THE INTERNATIONAL PRELIMINARY**  
**EXAMINATION REPORT**

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

KATO, Asamichi  
 A. Kato & Associates  
 Bohsei Bldg., 7th Floor  
 20-12, Shin-Yokohama 3-chome,  
 Kohoku-ku  
 Yokohama-shi, Kanagawa 222-0033  
 Japan



<b>Date of mailing (day/month/year)</b> 25 February 2004 (25.02.04)	<b>IMPORTANT NOTIFICATION</b>
<b>Applicant's or agent's file reference</b> RFH13-091T	
<b>International application No.</b> PCT/JP02/06261	<b>International filing date (day/month/year)</b> 24 June 2002 (24.06.02)
<b>Applicant</b> RIKEN et al	

**1. Transmittal of the translation to the applicant.**

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

**2. Transmittal of the copy of the translation to the elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

EP,CA,US


The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

None

**3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. (41-22) 338.70.10	Authorized officer  Denis RAMEN (Fax 338 7010)  Telephone No. (41-22) 338 9304
--	---

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference RFH13-091T	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/JP02/06261	International filing date (day/month/year) 24 June 2002 (24.06.02)	Priority date (day/month/year) 02 July 2001 (02.07.01)
International Patent Classification (IPC) or national classification and IPC C12Q 1/68		
Applicant RIKEN		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.  <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 14 January 2003 (14.01.03)	Date of completion of this report 28 January 2003 (28.01.2003)
Name and mailing address of the IPEA/JP  Facsimile No.	Authorized officer  Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP02/06261

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☐ the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the claims:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the drawings:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
 These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☒ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☒ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP 02/06261

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-13	YES
	Claims		NO
Inventive step (IS)	Claims	1-13	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

**2. Citations and explanations**

Document 1: T. Kigawa et al., "High throughput cell-free protein expression system for structural genomics and proteomics studies", Tanpakushitsu Kakusan Koso (June 2002), Vol. 47, No. 8, pages 1014-1019

Document 2: WO 99/14370 A (A. C. Hiatt), 25 March 1999

Document 3: WO 99/20798 A (Exact Laboratories, Inc.), 29 April 1999

Document 4: WO 92/11390 A1 (Idexx Lab. Inc.), 9 July 1992

Document 5: JP 09-234074 A (Sumitomo Electric Industries, Ltd.), 9 September 1997

Document 6: JP 4-91790 A (Shionogi & Co., Ltd.), 25 March 1992

**Claims 1-13**

The inventions set forth in claims 1-13 involve an inventive step relative to documents 1-6 cited in the international search report. Documents 1-6 do not disclose "amplification of double stranded DNA by a polymerase chain reaction (PCR) using a reaction solution which includes a first double stranded DNA fragment which includes a sequence coding a protein, and a second double stranded DNA fragment which includes a sequence which

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP 02/06261

overlaps with the 5'-terminal region of the first DNA fragment, and a third double stranded DNA fragment which includes a sequence which overlaps with the 3'-terminal region of the first DNA fragment, and a sense primer which anneals to the 5'-terminal region of the second DNA fragment and an antisense primer which anneals to the 3'-terminal region of the third DNA fragment, wherein the second DNA fragment includes sequences controlling gene transcription and translation, and the concentrations of the second DNA fragment and the third DNA fragment are 5-2500 pmol/L. Moreover, these features could not be derived easily from Documents 1-6.